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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 01/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/187,895

Applicant(s)

BUSEY, ANDREW T.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Action is responsive to communications: amendment filed 9/23/2002, to the original application filed 11/6/1998, which is a CIP of 08/768,606 filed **12/18/1996** - now abandoned, and CIP of 08/722,898 filed **9/27/1996**, now U.S. Patent No. 5,764,916. IDS filed 12/5/2002.
2. The Borg reference and the Streeter reference cannot be considered because the examiner cannot find published dates on said references.
3. The objection to the Specification has been withdrawn as necessitated by amendment.
4. The rejection of pending claims 1-23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Busey '916, (and claims 24-28 over Busey '916 in view of Tang), has been withdrawn as necessitated by Applicant's submission of Terminal Disclaimer filed 9/23/2002.
5. The rejection of claim 24 under 35 U.S.C. 112, second paragraph has been withdrawn as necessitated by amendment.
6. Claims 1-13, 15, 24-28 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Tang.
7. The rejection of claims 16, 19-23 under 35 U.S.C. 103(a) as being unpatentable over Tang has been withdrawn as necessitated by amendment.
8. Claims 14, 17-18 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Tang, and Rekimoto.
9. Claims 1-28 are pending. Claims 1, 7, 13, 16, 24 are independent claims.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-13, 15, 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (hereinafter Tang), U.S. Patent No. 5,793,365 issued August 1998.

In regard to independent claim 1, Tang teaches:

- a method of coordinating media/messaging operations via a real time chat server, said server handles transmitted data (Tang column 3 lines 59-67, column 4 lines 1-4; compare with claim 1 “*A method for coordinating media....comprising the steps of*”).

- sending a message stream in the form of an initial message, and message objects to be sent to a chat server (chat servers process bi-directional message data), and accepting the same from other users engaged in a chat environment, said messages controlled by a chat server (Tang Figure 5, column 3 lines 20-29, column 8 lines 32-39, also Abstract; compare with claim 1 “*streaming media and messages in an information processing....a plurality of user nodes, the user nodes having similar communication capabilities;*”, and “*receiving a plurality of unsynchronized media and messages from said plurality of user nodes*”, and “*controlling the streaming of media*”).

- Tang does not specifically teach use of a synchronizer and a switching mechanism. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in

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view of Tang, because Tang teaches real time communication via a chat room (using a chat server), which clearly suggests media synchronization and the use of a switching mechanism to preserve real time bi-directional data transmission, providing the advantage of controlled, real time media synchronization (Tang column 3 lines 59-67, Figure 5; compare with claim 1 “*controlling the streaming....using said synchronizer*”, and “*a switching mechanism*”).

In regard to dependent claims 2-5, Tang teaches the use of chat servers, a computer network with a plurality of connected computers, a first and second chat client transferring data from one computer to another computer, as well as video conferencing capabilities (Tang column 3 lines 20-29, 59-67, column 8 lines 32-40; compare with claims 2-5).

In regard to dependent claim 6, Tang does not specifically teach moderating data. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Tang, because Tang teaches communication using a chat server, suggesting moderating of streaming data to achieve real time synchronization (Tang column 3 lines 20-30, 59-67; compare with claim 6), providing a way for the chat server of Tang to adjust data streams for synchronization.

In regard to independent claim 7, Tang teaches:

- a method of coordinating media/messaging operations via a real time chat server, said server handles transmitted data (Tang column 3 lines 59-67, column 4 lines 1-4; compare with claim 7 “*A system for coordinating media....comprising*”).

- sending a message stream in the form of an initial message, and message objects to be sent to a chat server (chat servers process bi-directional message data), and accepting the same from other users engaged in a chat environment, said messages controlled by a chat server (Tang Figure 5, column 3 lines 20-29, column 8 lines 32-39, also Abstract; compare with claim 7 “*a plurality of user*

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nodes....communicate media and messages, said plurality of user nodes having similar communication capabilities;”, and “streaming media and messages to said plurality of user nodes”, and “receiving media and messages....received media and messages”).

- Tang does not specifically teach use of a synchronizer and a switching mechanism. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Tang, because Tang teaches real time communication via a chat room (using a chat server), which clearly suggests media synchronization and the use of a switching mechanism to preserve real time bi-directional data transmission, providing the advantage of controlled, real time media synchronization (Tang column 3 lines 59-67, Figure 5; compare with claim 7 “a synchronizer”, and “a switching mechanism”).

In regard to dependent claims 8-11, Tang teaches the use of chat servers, a computer network with a plurality of connected computers, a first and second chat client transferring data from one computer to another computer, as well as video conferencing capabilities (Tang column 3 lines 20-29, 59-67, column 8 lines 32-40; compare with claims 8-11).

In regard to dependent claim 12, Tang does not specifically teach moderating data. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Tang, because Tang teaches communication using a chat server, suggesting moderating of streaming data to achieve real time synchronization (Tang column 3 lines 20-30, 59-67; compare with claim 12), providing a way for the chat server of Tang to adjust data streams for synchronization.

In regard to independent claim 13, Tang teaches:

- a computer network comprising a display and a computer, as well as a chat server in communication with a client for real time bi-directional continuously open message transfer (Tang

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Abstract, column 3 lines 20-30, 59-67, column 4 lines 15-25; compare with claim 13 “*a display device*”, and “*a computer for....communications chat region.*”).

- Tang does not specifically teach a media region embedded in a chat region. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Tang, because Tang teaches various participant related icons (avatars) in the same general area of an associated chat message, suggesting a media region visually associated with a chat region (Tang Figure 5, column 9 lines 22-36, compare with claim 13 “*said media region being embedded in said chat region*”), providing the advantage of visualizing both chat and media to increase recognizability of people and messages.

In regard to dependent claim 15, Tang teaches video conferencing, which encompasses continuously streaming data (Tang column 8 lines 29-37; compare with claim 15).

In regard to independent claim 24, Tang teaches:

- a method of coordinating media/messaging operations via a real time chat server, said server handles streaming data to a second real time chat server via a message (Tang, Abstract, column 3 lines 59-67; compare with claim 1 “*A method for....comprising the steps of*”, and “*transmitting a first base message*”).

- Tang does not specifically teach synchronizing media. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Tang, because Tang teaches real time communication via a chat server, which clearly suggests media synchronization to preserve real time bi-directional data transmission, providing the advantage of controlled, real time media synchronization for chat sessions (Tang column 3 lines 20-40, 59-67, Abstract; compare with claim 24 “*synchronizing*”).

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- a chat room multimedia based message thread (comprising multiple messages) in a hierarchical format (Tang Figure 5; compare with claim 24 “*transmitting second response messages....to said second messages*”).

- sending/receiving media and messages in the form of various files and streamed messages (Tang column 3 lines 59-67, column 8 lines 30-42; compare with claim 24 “*associating with one or more....predetermined streaming media transmission*”).

In regard to dependent claims 25-27, claims 25-27 incorporate substantially similar subject matter as claimed in claims 6, 3, and are rejected along the same rationale.

In regard to dependent claim 28, Tang teaches audio conferencing (Tang Figure 11 item 83; compare with claim 28).

12. Claims 14, 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al. (hereinafter Tang), U.S. Patent No. 5,793,365 issued August 1998, in view of Rekimoto, U.S. Patent No. 5,956,038 issued September 1999.

In regard to dependent claims 14, 17-18, Tang does not specifically teach a chat region in a browser region, or a Web page. However, Rekimoto teaches a chat and media (avatar) related application involving the use of a browser (said browser reading HTML) (Rekimoto column 21 lines 59-65; compare with claims 14, 17-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Rekimoto to Tang, because of Rekimoto’s taught advantage of a browser embodiment, providing a user of Tang a way to utilize a familiar and established method of communication via Internet.

In regard to independent claim 16, Tang teaches:

- a computer network comprising a display and a computer, as well as a chat server in communication with a client for real time bi-directional continuously open message transfer (Tang Abstract, column 3 lines 59-67, column 4 lines 1-4; compare with claim 16 “*a media device*”, “*a display device*”, and “*a computer coupled....computer network and for*”).

- a method of coordinating media/messaging operations via a real time chat server, said server handles streaming data to a variety of clients (Tang Figure 5, column 3 lines 20-29, column 8 lines 32-39, also Abstract; compare with claim 16 “*establishing a streaming media region on said display device*”, and “*receiving a first streaming....media transmission*”, and “*receiving a second streaming....said streaming media region*”).

- Tang does not specifically teach synchronizing and controlling media transmissions. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Tang, because Tang teaches real time communication via a chat server, which clearly suggests media synchronization and control, providing the advantage of controlled, real time media synchronization necessary in chat sessions (Tang column 3 lines 59-67, Figure 5; compare with claim 16 “*synchronizing said first....second streaming media transmission*”).

- Tang does not specifically teach a browser region, or a Web page. However, Rekimoto teaches a chat and media (avatar) related application involving the use of a browser (said browser reading HTML) (Rekimoto column 21 lines 59-65; compare with claim 16 “*wherein said computer comprises instructions and circuitry for establishing a browser region on said display device.*”). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Rekimoto to Tang, because of Rekimoto’s taught advantage of a browser embodiment, providing a user of Tang a way to utilize a familiar and established method of communication via Internet.

In regard to dependent claims 19-23, Tang teaches a chat communication process involving input from a user (Tang column 7 lines 65-67; compare with claim 19).

Tang does not specifically teach moderating data. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Tang, because Tang teaches communication using a chat server, suggesting moderating of data to achieve synchronization, and Tang also teaches video conferencing and teleconferencing transmissions (Tang column 3 lines 59-67, column 8 lines 30-40, Figure 11 items 81, 83; compare with claims 20-23), providing a way for Tang to adjust and control streams for synchronization.

Response to Arguments

13. Applicant's arguments filed 09/23/2002 have been fully and carefully considered but they are not persuasive.

Applicant argues on pages 6-7 of the amendment that Tang does not teach streaming media and messages, as well as a plurality of nodes sharing similar communication abilities. The examiner notes that Tang teaches a chat embodiment (an unsynchronized, streaming environment), which can utilize video conferencing, providing streaming video of each participant (Tang column 8 lines 29-40, also Figure 3). Although each participant may have various communication capabilities, a common communication platform is established between said participants, based upon similar capabilities (i.e. text with text, video with video, etc.).

Applicant argues on page 7 of the amendment that it would not have been obvious to combine the cited references. In additional support of the present rejections, the examiner notes that Rekimoto's browser uses TCP/IP to communicate either with the Internet, or with an in-house LAN (an intranet) (Rekimoto column 9 lines 30-33), therefore, said browser and LAN can be applied to Tang's network.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is **(703) 308-5807**. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on **(703) 308-5186**. The fax number to this art unit is **(703) 308-6606**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 305-3900**.

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16. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7239 (for formal communications intended for entry)

or:

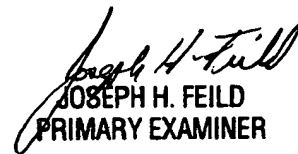
(703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

or:

(703) 746-7238 (for after-final communications)

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).**

William L. Bashore
01/14/2003


JOSEPH H. FEILD
PRIMARY EXAMINER